

# JOURNAL OF THE HOUSE

SECOND REGULAR SESSION, 90th GENERAL ASSEMBLY

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FIFTEENTH DAY, MONDAY, JANUARY 31, 2000

Speaker Gaw in the Chair.

Prayer by Father David Buescher.

Heavenly Father, You can help bring unity from diversity, concord from discord, integrity from unreliability.

Today this House gathers together at the beginning of a new month. Rekindle the hope we have that our work here may serve the people of this great state. May our every effort today begin in You and move toward You as the final target. Finally, as we have enjoyed the victory of our state's Super Bowl giants, the St. Louis Rams, may we all move closer to final victory in You, heavenly God, our mercy, our purpose, our goal, now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Paul Flo, Brian Kasmarzik, Jessica Merseal, Michele Loveless, Kevin Baisch, Ashley Smith, Natasha Blanks, Adam Dolan, Natalie Pigg, Melanie McKalip, Matt Pope, Sean Thost, Koty Hammond, Janel Malan, Jake Huskey, Ryan Solomon and Meagan Shanks.

The Journal of the fourteenth day was approved as printed by the following vote:

AYES: 140

Abel	Akin	Alter	Auer	Backer
Ballard	Barnett	Barry 100	Bartelsmeyer	Bartle
Bennett	Berkowitz	Berkstresser	Black	Blunt
Boatright	Bonner	Boucher	Bray 84	Britt
Burton	Campbell	Champion	Chrismer	Cierpiot
Clayton	Crawford	Crump	Curls	Davis 122
Davis 63	Days	Dougherty	Evans	Farnen
Fitzwater	Foley	Ford	Foster	Franklin
Fraser	Froelker	Gambaro	Gaskill	George
Graham 106	Graham 24	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hampton	Harlan
Hartzler 123	Hartzler 124	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth	Howerton
Kelley 47	Kelly 27	Kennedy	Kissell	Klindt
Koller	Kreider	Lakin	Lawson	Leake
Legan	Linton	Long	Luetkemeyer	Luetkenhaus
Marble	Mays 50	McBride	McClelland	McLuckie
Merideth	Miller	Monaco	Murphy	Murray
Myers	Nordwald	O'Connor	Ostmann	Overschmidt
Parker	Patek	Phillips	Pouche	Purgason
Ransdall	Reid	Reinhart	Relford	Reynolds
Richardson	Ridgeway	Riley	Rizzo	Ross
Sallee	Scheve	Schilling	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Skaggs	Smith	Stokan	Summers	Surface

Thompson	Townley	Treadway	Troupe	Tudor
Van Zandt	Vogel	Wagner	Ward	Wiggins
Williams 121	Williams 159	Wilson 25	Wilson 42	Mr. Speaker

NOES: 003

Hanaway	Lograsso	Wright
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PRESENT: 000

ABSENT WITH LEAVE: 019

Boykins	Carter	Dolan	Elliott	Enz
Gibbons	Hoppe	Hosmer	Kasten	King
Levin	Liese	Loudon	May 108	McKenna
Naeger	O'Toole	Pryor	Robirds	

VACANCIES: 001

## **RESOLUTION**

Representatives Williams (121) and Sallee offered House Resolution No. 169.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 157 through House Resolution No. 160 - Representative Williams (159)  
House Resolution No. 161 - Representative Gaw  
House Resolution No. 162 - Representative Patek  
House Resolution No. 163 - Representative McLuckie  
House Resolution No. 164 through House Resolution No. 167 - Representative Pouche  
House Resolution No. 168 - Representative Harlan  
House Resolution No. 170 - Representatives Lawson and Kelly (27)

### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 14** was read the second time.

### **SECOND READING OF HOUSE JOINT RESOLUTION**

**HJR 64** was read the second time.

### **SECOND READING OF HOUSE BILLS**

**HB 1779** through **HB 1827** were read the second time.

## HOUSE ELECTION CONTESTS

### House Election Contest No. 1

August 30, 1999

The Honorable Steve Gaw  
Speaker of the House  
Missouri House of Representatives  
State Capitol, Room 308A  
Jefferson City, Missouri 65105

Rebecca McDowell Cook  
Secretary of State  
600 West Main Street  
Jefferson City, Mo.

Jeremiah W. Nixon  
Attorney General  
P.O. Box 899  
Jefferson City, Mo.

Rev. Earl Abel, Pastor  
Palestine Missionary  
Baptist Church of Jesus  
Christ  
Kansas City, Missouri

Good Morning,

The Missouri Election Laws 115.563 and 115.565, provide for filing a verified petition based on irregularities that occurred in a election. Subject to 115.637, section 3; Class Four election offenses were committed. False ballots were mailed to voters and the names of candidates were arranged in a way other than that authorized by law.

Documentary evidence is attached to the petition and testimonial evidence is available to offer procedural advice concerning the violations and specific irregularities regarding the Special Election held August 3, 1999.

Please reply, I remain

Sincerely,

/s/ Elvis Sonny Gibson

### PETITION

Missouri Election Laws  
115.563 - 115.565

TO: Speaker of the House of Representatives

The Kansas City Board of Election Commissioners, under the rules of the Missouri Election Laws in force during the Special Election for the 41<sup>st</sup> District seat held on August 3, 1999, under the authority of the Secretary of State, pursuant to Chapter 115 and Selected Constitutional Provisions; has caused the Special Election to be incorrigible due to unsavory practices in the Election Process. The practices were not Mistake of Fact. The effect of these practices effected the Absentee Voter and the absentee ballot determined by the combination of causes in the intent to mislead the Absentee Voter and irregularities that occurred in the election that contest the qualification of the candidate. This is an estoppel plea of the election violations according to the Missouri Election Law.

Class Four Offense 115.637

- (1) False official absentee ballots mailed to the voter,
- (2) Ballots mailed to the absentee voter absent of the candidates,
- (3) Candidates names/numeral order unauthorized by law.

Irregularities

- \* Judges marking ballots at the polling location to indicate the ward and precinct on the day of the election.
- \* Two candidates in the election with the same ballot number (14).
- \* 41<sup>st</sup> District Candidates given wrong ballot numbers and listed by name in incorrect order

Elvis Sonny Gibson	15
Mark A. Hawthorne	16
Bobbie J. Campbell	17

- \* Certification of the ballot by the Secretary of State was mailed to Kansas City Board of Election Commissioners on June 22, 1999

Melba J. Curls	14
Bobbie J. Campbell	15
Elvis Sonny Gibson	16
Mark A. Hawthorne	17

- \* The false ballots were mailed to the Absentee Voter on July 1<sup>st</sup>.
- \* The unopposed candidate of the 42<sup>nd</sup> District (#14), the opposed candidate of the 41<sup>st</sup> District (#14) shared the same number. The use of duplicate punch numbers is conduct which is prejudicial on the rights of opposed candidates, and deception to induce the voter to surrender their rights to vote for the candidate of their choice.

/s/ Elvis Sonny Gibson

House Election Contest No. 2

September 15, 1999

The Honorable Steve Gaw  
Speaker of the House  
Missouri House of Representatives  
State Capitol, Room 308A  
Jefferson City, MO 65105

The filing of this petition is on behalf of the voters of Kansas City, Missouri, who would like to have an honest and fair election, and who have lost faith in our voting system. The Kansas City Board of Elections under the rules of Missouri Elections Laws (Chapter 115) in force during the August 3, 1999 Special Election, has caused the Special Election to be incorrigible due to unsavory practices. These practices effected the absentee and Election day ballots with the intent to mislead the voters and leave sufficient opportunity for election fraud to occur. The effect of these irregularities may have tainted the election and the count for the candidates and the issues.

We, The Reform Party, petition to contest the results of the August 3, 1999 Special Election under Missouri Laws 115.239, 115.245, 115.287, 115.289, 115.297, 115.423, 115.451, and 115.637.

115.239: Placement of party candidates on ballots. (See examples.)

115.245: Exact wording of the question certified by Secretary of State to appear on ballot. All questions to require a “YES” or “NO” response.

1. The attached photocopy of question #2 is in clear violation of this law.

115.287: Absentee Ballot, how delivered.

1. Statements by absentee voters from senior citizens building.
  - a. Received and returned ballots to apartment manager.
  - b. Some did not vote.
  - c. Received ballot from young man who returned later to pick them up.

115.289: Confidentiality of applications for absentee ballots, list available to authorized persons - free.

1. Ms. Sharon Turner refused on both September 8, 1999 and September 10, 1999 to give the list of applications mailed to absentee voters.

115.297: Precinct registers to show ballots received. Judges to be notified of late absentee ballots received.

1. Poll Judges were unable to determine who had voted absentee or what should be done if an absentee voter should revote without their knowledge.
2. Absentee voters shown in poll books was stamped: “Absentee ballots mailed to:”.

115.423: Ballot box, procedure for handling.

1. Witnesses observed ballot boxes were not sealed or locked when delivered for counting at Election Board on August 3, 1999.

115.451: Judges may read and record votes before polls close, when-

1. The law requires ballot boxes containing the voted ballots to be taken to a private area within the polling place.
2. The Kansas City Election Board has approximately six (6) satellite stations, at different locations than the polling places, with their own employees. Information from some poll judges who had delivered the sealed boxes to the satellite stations, stated that the boxes were unlocked and the votes counted by machines. This practice could easily be suspect.

115.637: Class Four election offenses. See #2, 3 and 7. (See attachments).

2. Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;
3. Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;
7. On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 1200** - Critical Issues

**HB 1742** - Transportation

### **REFERRAL OF ELECTION CONTESTS**

The following Election Contests were referred to the Committee indicated:

**HEC 1** - Elections

**HEC 2** - Elections

### **COMMITTEE REPORTS**

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 1506**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

**Committee on Children, Youth and Families**, Chairman Dougherty reporting:

Mr. Speaker: Your Committee on Children, Youth and Families, to which was referred **HB 1216**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Civil and Administrative Law**, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 1097**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 1208**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 1215** and **HB 1240**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Commerce**, Chairman Rizzo reporting:

Mr. Speaker: Your Committee on Commerce, to which was referred **HB 1305**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Criminal Law**, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 1404 and HB 1262**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Education - Elementary and Secondary**, Chairman Fitzwater reporting:

Mr. Speaker: Your Committee on Education - Elementary and Secondary, to which was referred **HB 1076**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Fiscal Review**, Chairman Backer reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 1074**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Governmental Organization and Review**, Chairman Murray reporting:

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 1084**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Governmental Organization and Review, to which was referred **HB 1376**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

## **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1828**, introduced by Representatives Gross and Ladd Stokan, relating to mattresses.

**HB 1829**, introduced by Representatives Levin, Pouche, Gross, Reid and Hendrickson, et al, relating to income taxation.

**HB 1830**, introduced by Representatives Levin, Pouche, Gross and Hendrickson, et al, relating to tax relief.

**HB 1831**, introduced by Representatives Levin, Pouche, Gross and Hendrickson, et al, relating to income taxation.

**HB 1832**, introduced by Representatives Levin and Pouche, et al, relating to tax relief for the elderly.

**HB 1833**, introduced by Representatives Levin, Pouche and Reid, et al, relating to individual income tax.

**HB 1834**, introduced by Representatives Levin, Pouche, Gross and Hendrickson, et al, relating to sales tax relief.

**HB 1835**, introduced by Representatives Levin, Harlan, Hohulin, Linton, Hosmer, Kelly (27), Akin, Dougherty, Reid, Smith, Days, Enz, Bartelsmeyer and Schilling, et al, relating to personal information.

**HB 1836**, introduced by Representative Patek, relating to county prosecutors.

**HB 1837**, introduced by Representative Patek, relating to relocation of a child.

**HB 1838**, introduced by Representative Hollingsworth, relating to the regulations of traffic.

**HB 1839**, introduced by Representatives Backer, Kissell, Days, Wilson (42), Scheve, Gaw, Kreider and Crump, et al, relating to unlawful drug transactions with a child.

**HB 1840**, introduced by Representative Froelker, relating to continuation of spousal insurance coverage.

**HB 1841**, introduced by Representatives Kreider and Robirds, relating to noxious weeds.

**HB 1842**, introduced by Representatives Burton, Mays (50) and Hegeman, relating to retail electric choices.

**HB 1843**, introduced by Representative George, et al, relating to election of marshals in cities which contract for police service.

**HB 1844**, introduced by Representative Kelly (27), relating to house arrestees.

**HB 1845**, introduced by Representatives Campbell and Van Zandt, relating to higher education sponsors of charter schools.

**HB 1846**, introduced by Representative Skaggs, relating to the qualifications of police officers in certain cities.

**HB 1847**, introduced by Representative Skaggs, relating to certain state retirement systems.

## **WITHDRAWAL OF HOUSE BILLS**

January 31, 2000

The Honorable Steve Gaw  
Speaker of the House  
State Capitol  
Room 308  
Jefferson City, MO 65101



Dear Speaker of the House,

This letter is requesting for **House Bill 1731** be withdrawn.

Thank you for your assistance.

Sincerely,

/s/ Jewell D. H. Patek

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January 31, 2000

Speaker Steve Gaw  
House Post Office  
Capitol Bldg.  
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that **House Bill 1724** be withdrawn.

Thank you for your consideration in this matter.

Sincerely,

/s/ Henry Rizzo  
State Representative  
District 40

The following members' presence was noted: Dolan and Naeger.

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, February 1, 2000.

### **COMMITTEE MEETINGS**

#### **AGRICULTURE**

Wednesday, February 2, 2000, 3:00 pm. Hearing Room 7.  
Executive Session may follow.  
To be considered - HB 1402

#### **APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Tuesday, February 1, 2000. Hearing Room 1 upon adjournment.  
Dept. of Elementary and Secondary Education, Public testimony - DESE.

**APPROPRIATIONS - EDUCATION AND PUBLIC SAFETY**

Wednesday, February 2, 2000. Hearing Room 1 upon adjournment.

Dept. of Public Safety. Public testimony Public Safety, Judiciary and Public Defender.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Tuesday, February 1, 2000. Hearing Room 7 upon adjournment.

Public Debt, Office of Administration.

**APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, February 2, 2000. Hearing Room 7 upon adjournment.

General Assembly, St. Louis Sports Authority.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Tuesday, February 1, 2000. Hearing Room 3 upon adjournment.

Dept. of Social Services. Public testimony for Pharmacy Medicaid Budget.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Wednesday, February 2, 2000. Hearing Room 3 upon adjournment.

Dept. of Social Services.

**APPROPRIATIONS - SOCIAL SERVICES AND CORRECTIONS**

Thursday, February 3, 2000. Hearing Room 3 upon adjournment.

Dept. of Social Services.

**BUDGET**

Tuesday, February 1, 2000, 8:30 am. Hearing Room 3.

Possible Executive Session. CANCELLED.

To be considered - HB 1114

**CHILDREN, YOUTH AND FAMILIES**

Wednesday, February 2, 2000, 7:30 pm. Hearing Room 6.

Possible Executive Session.

To be considered - HB 1319, HB 1324, HB 1393, HB 1425

**CIVIL AND ADMINISTRATIVE LAW**

Wednesday, February 2, 2000, 3:00 pm. Hearing Room 1.

To be considered - HB 1472, HB 1481, HB 1509, HB 1544, HB 1546

**CONSUMER PROTECTION AND HOUSING**

Tuesday, February 1, 2000, 8:00 pm. Hearing Room 1.

Executive Session. To be considered - HB 1430, HB 1434, HB 1455

**CORRECTIONAL AND STATE INSTITUTIONS**

Tuesday, February 1, 2000, 8:00 pm. Hearing Room 7.

Executive Session. To be considered - HB 1185, HB 1460

**EDUCATION - ELEMENTARY AND SECONDARY**

Tuesday, February 1, 2000, 3:00 pm. Hearing Room 3.

To be considered - HB 1073, HB 1183, HB 1221, HB 1361

**EDUCATION - HIGHER**

Wednesday, February 2, 2000, 3:00 pm. Hearing Room 5.

To be considered - HB 1486, Executive Session - HB 1161,

Executive Session - HB 1179, Executive Session - HB 1335,

Executive Session - HB 1396

**FEDERAL - STATE RELATIONS AND VETERANS AFFAIRS**

Wednesday, February 2, 2000. Side gallery upon morning adjournment.

Executive Session.

**INSURANCE**

Tuesday, February 1, 2000, 8:00 am. Hearing Room 5. AMENDED NOTICE.

To be considered - HB 1148, HB 1292, HB 1595, HCR 10

**INTERIM JOINT COMMITTEE ON IMMIGRATION**

Wednesday, February 2, 2000, 1:30 pm. Hearing Room 6.

Presentation by Institute for International Studies regarding web site

"Missouri Multicultural Network".

**LABOR**

Tuesday, February 1, 2000, 5:30 pm. Hearing Room 3. Executive Session.

To be considered - HB 1067, HB 1369, HB 1383, HB 1428

**LEGISLATIVE RESEARCH, OVERSIGHT SUBCOMMITTEE**

Tuesday, February 1, 2000, 9:00 am. Senate Committee Room 1.

Challenge fiscal notes: HB 1395, SB 721

Presentation on Oversight Reports.

Executive Session on Oversight Reports Presented 1-20-00.

**LOCAL GOVERNMENT AND RELATED MATTERS**

Tuesday, February 1, 2000, 3:00 pm. Hearing Room 7.

Executive Session may follow.

To be considered - HB 1081, HB 1196, HB 1303, HB 1372, HB 1433,

HB 1652, HB 1699

**MISCELLANEOUS BILLS AND RESOLUTIONS**

Wednesday, February 2, 2000, 9:00 am. Hearing Room 6.

Executive Session may follow.

To be considered - HB 1368, HB 1452

MISSOURI TOBACCO SETTLEMENT

Wednesday, February 2, 2000, 9:00 am. Hearing Room 3.

To be considered - Executive Session - HJR 61

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Tuesday, February 1, 2000, 3:00 pm. Hearing Room 1.

To be considered - HB 1184, HB 1210, HB 1219, HB 1315

MUNICIPAL CORPORATIONS

Wednesday, February 2, 2000, 3:00 pm. Hearing Room 4.

To be considered - HB 1290, HB 1338

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 2, 2000, 5:00 pm. Hearing Room 3.

To be considered - HB 1242, HB 1431, HB 1458, HB 1473, HB 1476

PUBLIC HEALTH

Tuesday, February 1, 2000, 3:00 pm. Hearing Room 4.

Executive Session to follow. AMENDED NOTICE.

To be considered - HB 1085, HB 1568, HB 1574, HB 1640, HCR 6

PUBLIC SAFETY AND LAW ENFORCEMENT

Tuesday, February 1, 2000, 8:30 am. Hearing Room 6.

To be considered - HB 1468, HB 1484, HB 1505

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Tuesday, February 8, 2000, 8:00 pm. Hearing Room 6.

To be considered - HB 1400, HB 1450

SUBCOMMITTEE FOR CHILD SUPPORT ENFORCEMENT

Tuesday, February 1, 2000, 8:30 am. Room 313-2.

Subcommittee meeting.

SUBCOMMITTEE ON APPROPRIATIONS - NATURAL AND ECONOMIC RESOURCES

Tuesday, February 1, 2000, 8:00 am. Hearing Room 4.

Continuing report from Dept. of Natural Resources.

SUBCOMMITTEE ON MEDICAL SERVICES - APPROPRIATIONS SOCIAL SERVICES

Tuesday, February 1, 2000, 8:00 am. Room B-20.

Appropriations Conference Room. Medical Service Appropriation.

SUBCOMMITTEE ON ORGAN DONATION

Tuesday, February 1, 2000, 8:00 am. Hearing Room 7.

To be considered - HB 1178

SUBCOMMITTEE ON TELEMARKETING - CONSUMER PROTECTION AND HOUSING  
Tuesday, February 1, 2000, 3:00 pm. Rep. Jim Kreider's Office, Room 301.  
AMENDED NOTICE.

**TRANSPORTATION**

Tuesday, February 1, 2000. Side gallery upon morning adjournment.  
To be considered - Executive Session - HB 1363

**UTILITIES REGULATION**

Thursday, February 3, 2000, 8:15 am. Hearing Room 6.  
Executive Session may follow.  
To be considered - HB 1325, HB 1415, HJR 53

**WAYS AND MEANS**

Tuesday, February 1, 2000, 3:00 pm. Hearing Room 6.  
Executive Session to follow.  
To be considered - HB 1156, HB 1176, HB 1214, HB 1231, HB 1295, HB 1298,  
HB 1329, HB 1333, HB 1346, HB 1360, HB 1380, HB 1423, HB 1437, HB 1453,  
HJR 48, HJR 49, HJR 50

**HOUSE CALENDAR**

SIXTEENTH DAY, TUESDAY, FEBRUARY 1, 2000

**HOUSE BILLS FOR SECOND READING**

HB 1828 through HB 1847

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HJR 43 - Barry

**HOUSE BILLS FOR PERFECTION**

HCS HB 1362 - Harlan  
HCS HB 1074 - Relford

**HOUSE BILL FOR THIRD READING**

HB 1506 - Van Zandt